

# State of South Dakota

## EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

400L0232

### SENATE BILL NO. 30

Introduced by: The Committee on Health and Human Services at the request of the Bureau  
of Personnel

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding creditable health  
2 insurance coverage.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 58-17-85 be amended to read as follows:

5 58-17-85. If a person has an aggregate of at least twelve months of creditable coverage, is  
6 a resident of this state, and applies within sixty-three days of the date of losing prior creditable  
7 coverage ~~and is no longer eligible for that creditable coverage~~, the person is eligible for  
8 coverage as provided for in §§ 58-17-68, 58-17-70, 58-17-85, and 58-17-113 to 58-17-142,  
9 inclusive, if none of the following apply:

- 10 (1) The applicant is eligible for continuation of coverage under an employer plan;
- 11 (2) The applicant's most recent creditable coverage is a conversion plan from an  
12 employer group plan;
- 13 (3) The person is ~~covered or eligible to be covered under creditable coverage or lost~~  
14 ~~creditable coverage due to nonpayment of premiums~~ for an employer group plan, Part  
15 A or Part B of medicare, or medicaid;



1       (4)    The person has other health insurance coverage;

2       (5)    The person's most recent coverage was terminated because of the person's  
3            nonpayment of premium or fraud;

4       ~~(4)~~(6) The person loses coverage under a short term or limited duration plan; or

5       ~~(5)~~(7) The person's last coverage was creditable coverage as defined in subdivision 58-17-  
6            69(13).

7       Any person who has exhausted continuation rights and who is eligible for conversion or  
8       other individual or association coverage has the option of obtaining coverage pursuant to this  
9       section or the conversion plan or other coverage. A person who is otherwise eligible for the  
10      issuance of coverage pursuant to this section may not be required to show proof that coverage  
11      was denied by another carrier.

12      For purposes of this section, reasonable evidence that the prospective enrollee is a resident  
13      of this state shall be required. Factors that may be considered include a driver's license, voter  
14      registration, and where the prospective enrollee resides.